IN THE SUPREME COURT OF MISSOURI

STATE EX REL.,	)	
W. Stephen Geeding, County Prosecutor	)	
In and for McDonald County, Missouri	)	
Respondent - Petitioner below	)	
	)	
vs.	)	Case No.: SC85249
	)	
ROBERT W. CRUMP, JR.,	)	
a/k/a Rob Crump,	)	
d/b/a Midnight Video South	)	
Appellant - Respondent below	)	
	)	
and	)	
	)	
Pine Designs, Inc.,	)	

APPEAL FROM THE CIRCUIT COURT OF MCDONALD COUNTY, MISSOURI
40TH JUDICIAL CIRCUIT - CASE NO. CV102-693CC

THE HONORABLE JOHN LEPAGE, JUDGE

APPELLANT'S BRIEF

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JURISDICTIONAL STATEMENT

This is an appeal of a Judgment of the Circuit Court of McDonald County, Missouri, granting injunctive relief to the Plaintiff pursuant to Section 191.680 RSMo. The Court found the Appellant Crump's business to be a nuisance and ordered the business and location closed for a period of one year. Crump's appeal to this Court is pursuant to Article V, Section III of the Constitution of the State of Missouri because the appeal involves the validity of a statute of the State of Missouri. Appellant contended below and contends here that the relief sought by Plaintiff was authorized only pursuant to Section 191.680 RSMo., and that said statute is void and unenforceable in that it denies Appellant's right of due process of law as guaranteed by the 5th and 14th Amendment to the Constitution of the United States because of unconstitutional vagueness.

The Judgment below is a final, appealable judgment pursuant to Rule 74.01. The Judgment entered by the Trial Court is captioned " Findings of Fact, Conclusions of Law and Order." It is signed by the Judge, dated, and concludes with the statement "So Ordered". An order need not be denominated "judgment" or "decree" to be appealable. In The Interest of L.J.H., 67 S.W. 2d 751, 754 (Mo. App. S.D. 2002). There the Court noted that a final and appealable judgment disposes of all issues in the case and

leaves nothing for future determination. Section 512.020 RSMo. permits an appeal from a final judgment. The Order in this case grants an injunction for one year, which is all the relief permitted under Section 191.680 RSMo., and granted all the relief prayed for in Plaintiff's petition. There is nothing left here for future determination. The order is one from which an appeal lies and is, therefore, a final judgment as required by Rule 74.01.

STATEMENT OF FACTS

(Reference is as follows: T = Transcript; LF = Legal File)

Appellant Robert Crump, Jr. operates a business known as Midnight Video South in McDonald County, Missouri. LF – 15. Crump is a graduate of Southern Methodist University with a degree in business. T-277-278. Prior to becoming manager of the video store he had worked in sales and marketing. T-278. When the store first opened on Valentine's Day in February 2002, Earl Freeman was the manager and Rob was only there once or twice a week. T-279. Later Freeman quit and went into competition with Mr. Crump in Joplin. T-226. Earl Freeman left June 9, 2002. T-278. After that Crump was at the store every other day until Independence Day and thereafter he was there approximately 2 days a week. T-279.

The entrance to Midnight Video is on the east side of the building and when one enters the building immediately to the right are shelves with adult videotapes. T-76. The store also contained an area where you could purchase DVD's and had a novelty section where you could buy sexual toys and similar items. T-76. Immediately to the left of the entry door was a counter where you could purchase the items in the store. T-76. In the back of the building is an arcade area. T-76. The arcade is in a separate area

from the main part of the store, in a separate room. T-53. The arcade consisted of 16 booths, 4 of which allowed patrons to preview movies, the others allowed users to put tokens in and view pre-selected movies. T-37. The movies were explicit sexual movies either with men having sex with men or males and females engaging in sexual acts. T-37. Persons could take movies out of the main part of the store and preview them by putting tokens in the machines. T-38. The booths have signs on them that say one person to a booth. T-42. When the doors are locked no one can see what was going on inside the booths. T-42. The booths are set up like a maze so that you cannot see inside a booth with the door open unless you walk through the maze portion. T-42. Each booth has its own separate entrance. T-42. Based on the setup of the arcade a person would have to go down a narrow hallway and make a special effort to see into any of the booths even if the doors were open. T-282-285. Each booth had a ceiling and it was impossible to see into the booth from the top. T-286-287. The walls of the booths come down to a level approximately 5 inches above the floor and a person would have to stick his or her head down on the floor to be able to look into the booth from the outside. T-287. Each booth has a sign that says "no loitering, only one person per booth." T-288.

Jim Buttram was employed by Midnight Video-South from February through October 2002. T-27. His job was to clean up the building, mop, wipe stuff off walls and empty trash. T-28. Buttram claimed to have seen men having sex outside the booths. T-28. He claimed to have personally witnessed men having anal and oral sex without protection. T-30. He also claimed he saw a man and a woman have sex in one of the booths with the door open, T-30, and men standing in the aisles outside the booths masturbating trying to get other men to go into the booths with them. T-31. He claimed he saw this type of behavior daily. T-31. He occasionally saw people using condoms. T-32. Buttram said people ejaculated on the floor and on the walls inside the booths and outside in the hall and he would clean up semen. T-32. Sometimes the customers would clean semen off themselves using paper towels, which they got, out of the restrooms. T-33. On one occasion he claims he saw an open booth where one man was having anal sex with one man while having oral sex with another man at the same time. T-36. Buttram defined anal sex as one man inserting his penis in another mans rectum. T. 36. Buttram claimed to have communicated this information to the sales clerks and on at least one occasion, to Rob Crump. T-36. Buttram admitted that he did not like the way that Rob Crump operated the store. T-39. He admitted that Crump had told on numerous

occasions him to stay out of the arcade area and leave the customers alone. T-40 and T-45. Buttram acknowledged that he had asked Crump for authority to act as a policeman to stop people from engaging in sexual conduct on the property. T-160. Crump told him to leave them alone and let them do what they wanted. T-161. On at least one occasion the patrons complained to Crump about Buttram bothering them and Crump chewed him out. T-161. Buttram acknowledged that he was bi-sexual and that he had previously been involved in a sexual relationship with a man. T-164. He acknowledged that during that previous relationship he engaged in oral intercourse with his partner. T-165. He acknowledged that this is the same kind of conduct that he was complaining to Mr. Crump about. T-165. David Beshears, the City Marshall in Pineville is familiar with Jim Buttram and his reputation in the community. T-228. Mr. Buttram's reputation in the community for truthfulness was that he liked to stretch the truth was very poor. T-106.

Lisa Burge worked at the Midnight Video from March until the end of May 2002. During the period that she worked there Lisa claimed she went into the arcade area and observed 2 men having oral sex. T-182-183. She also claims she saw a man and woman having sex in a portion of the store where clothes and novelties were sold. T-186. On occasions men asked her

to join them in the arcade. T-187. She once saw a man jacking off in the front portion of the store by the movies. T-187. She never told anyone about observing a couple having sex out in the open in the property. T-204. She never complained to Rob Crump about any of the sex acts that she observed on the property. T-217.

Rob Crump indicated that it would not be good for his business if people hung around trying to solicit other people. T-289. He indicated that if people were trying to solicit other people for sex they would not stay in the business and use the machines and he would not be making money. T-289. Mr. Crump began getting complaints from clerks that they were hearing customers complain about Jim Buttram being in the back trying to solicit sex. T-291. He confronted Buttram with these complaints and Buttram told him that he would stop doing it. T-291. Rob Crump never received any information or complaints about the types of sexual activity that Buttram claimed to have observed. T-298. He testified that there was a sign posted at the clerk's desk advising person that propositions towards employees would not be tolerated. T-299. Mr. Buttram never advised him that he had observed 3 men having sexual relations together in the store. T-300. He further testified that there was never an occasion where Jim Buttram complained about sexual activities of patrons in the presence of

Lisa Burge and himself. T-301. Crump never heard any complaints about Buttram's behavior from the patrons only from the clerks. T-307.

Roger Renken is a Highway Patrolman who was asked to assist in the investigation of the operations of Midnight Video. T-71. He received information from Jim Buttram about the operations occurring at the premises. T-72. Trooper Renken obtained a search warrant to seize towels from the arcade area of Midnight Video. T-74. Trooper Renken seized paper towels from the trashcans in the arcade area. T-77. Trooper Renken did not seize any books, videotapes or novelties or any items which could be construed with effecting First Amendment Rights of the United States citizens. T-78. Trooper Renken seized trash bag liners from the booths in the arcade. T-81. He placed the contents of the trashcan liners, which he seized, into an evidence bags for delivery to the Missouri State Highway Patrol crime lab. T-82. Trooper Renken was in the store on a half dozen other occasions besides the date when he served the search warrant. T-84. At no time did he go into the arcade area except the day when he went in to serve the search warrant. T-85. When Trooper Renken went into the arcade area to seize the trashcan liners he saw one person in a booth with the door open and that person appeared to be masturbating. T-87. He also observed a sign that said one person to a booth. T-88. He did not see any individuals

having any kind of sex where they could transmit any disease between each other. T-88.

Jeff Hondrich is a physician licensed to practice in Missouri. T-66. Dr. Hondrich expressed the opinion that HIV is transmitted from one person to another through the exchange of blood which occurs in sexual activity. T-68. It was his opinion that unprotected anal sex could transmit HIV. T-68. It was also his opinion that unprotected oral sex could spread HIV. T-68. It is highly unlikely that a person could pick up HIV from semen in a wastebasket. T-68. He agreed that unprotected sex could take place anywhere. T-68. He acknowledged that he was aware that many hotels had pay preview TV where you could buy dirty movies. T-69. He acknowledged that people can watch dirty movies on pay preview in their hotel rooms and have unprotected sex, which could also cause the transmission of HIV. T. 69.

Ryan Hoey is employed by the Missouri Highway Patrol crime lab in Jefferson City. T-96. He worked in the DNA section. Mr. Hoey examined the bags of paper towels collected by Trooper Renken and performed tests for semen and tested the DNA on some of the semen he detected. T-105 - 112. All together he detected semen from 3 different individuals on 2 towels. On the first towel there was semen from one individual and on the

second towel there was semen from 2 individuals. T-114. All of the semen exhibited male gender characteristics. T-114. He acknowledged that the semen deposits on towel 2 could have been deposited at 2 separate times. T-117. Hoey acknowledged that he could not test for the presence of HIV in the semen on the towels. T-118. He acknowledged that HIV does not survive outside the human body. T-119. He acknowledged that there was no way to know whether or not the persons who deposited the DNA on the towels had HIV. T-119. He also acknowledged that he could not tell whether the semen deposits on the second towel were made simultaneously, hours apart or days apart. T-121.

On October 21, 2002 the plaintiff filed a petition for injunction pursuant to Section 191.680 in the Circuit Court of McDonald County, Missouri. The petition gave a legal description to certain property alleged that it was owned by Robert W. Crump, Jr. LF-1-2. The petition alleged that Crump was engaging in a business to-wit: Midnight Video-South. LF-2. The petition alleged that the structures upon the property were being used for the purpose of lewdness, assignation and other purposes involving sexual contact through which to transmission of HIV infection can occur. LF-2. The petition prayed for the court to find that the property to be a nuisance to issue an injunction enjoining and abating any business for any purpose of the

property in question for a period of one year. LF-3. On November 4 a motion to dismiss for failure to state a claim upon which relief may be granted was filed by appellant, Crump. See docket entry at LF-70, and motion at LF-4-6. The motion alleged that the petition failed to state a claim upon which relief could be granted because the relief sought was authorized only pursuant to Section 191.680 RSMo and that said Section was void and unenforceable in that it violated defendant's right of due process guaranteed by the Fifth and Fourteen Amendment to the Constitution of the United States and also in violation of the defendant's rights pursuant to the First, Fourth, Fifth and Fourteen Amendments of the Constitution of the United States. LF5. On November 8 the plaintiff filed an amended petition for injunction, which was in all respect identical to the initial petition for injunction. LF-7-9. On November 8, 2002 the court notified counsel with its intention to hold a hearing on November 14. See docket entry at LF-70. Defendant, Crump filed a motion for continuance noting upon other items that an answer to the petition was not due until November 22, 2002 (LF-10) that counsel for Crump had filed discovery request and the time for completing the discovery request had not passed. LF-11, and noting that no motion for a preliminary injunction had ever been filed. LF-11-12. At the court's hearing on November 14, the court noted that no petition had been

filed seeking a preliminary injunction T-14, and that the State was asking for a trial on the merits of the petition. T-20. The court indicated that it would go ahead and allow the state to put on evidence at that time and deny the motion for continuance with the understanding that the court would issue no type of preliminary injunction and that counsel for Crump would be entitled to complete discovery and further cross-examine any of the state's witnesses at a final hearing to be conducted at a later time. T-24-25. A further hearing was held on February 7, 2003. T-124-309. On March 7, 2003 the court entered findings of fact and conclusion of law and order. LF-47-53. The court found that the state's action was instituted for the purpose of protecting the health and safety of the public at large. LF-48. The court's specifically found that enforcement of Section 191.690 (sic) did not abridge upon Crump's First Amendment protection. LF-49. The court also found that the statute was not unconstitutionally vague. LF-51. The court made specific findings that Buttram did observe acts of oral and anal intercourse between persons of the same sex upon the property in question, that Buttram reported those incidents to Crump, that Lisa Burge observed acts of oral and anal intercourse between same sex patrons on the property in question, but that she did not personally tell the owner or her supervisors of her observations. LF-52. The court found that paper towels taken from the

arcade booths had semen from 3 different individual males on them, and that this collaborated Buttram's testimony. LF-53. The court found that the usage of Midnight Video-South was a nuisance and ordered the business and location closed for a period of one year. LF-53. Following the judgment Defendant, Crump requested the court to enter an order staying the judgment pursuant to Rule 92.03 upon the posting of a supersedeas bond. LF-54-55 Defendant, Crump also filed a motion to amend the judgment. LF-60-61 with supporting suggestions LF-61-64. Those motions were all denied and a notice of appeal was filed on April 24, 2003. LF-65-66.

POINT RELIED ON

THE TRIAL COURT ERRED IN ENTERING A JUDGMENT ORDERING APPELLANT'S PROPERTY CLOSED FOR A PERIOD OF ONE YEAR BECAUSE THE STATUTE UPON WHICH THE COURT RELIED TO AUTHORIZE THE CLOSURE, TO WIT: SECTION 191.680 RSMO IS VOID BECAUSE IT IS UNCONSTITUTIONALLY VAGUE IN CONTRAVENTION OF THE DUE PROCESS CLAUSE OF THE 5TH AND 14TH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES IN THAT IT FAILS TO GIVE PROPER NOTICE OF WHAT CONDUCT VIOLATES THE PROHIBITIONS OF THE STATUTE BECAUSE IT REQUIRES PERSONS OF COMMON INTELLIGENCE TO SPECULATE AS TO WHAT TYPE OF LEWD CONDUCT CAN CAUSE THE TRANSMISSION OF HIV AND IN THAT IT FAILS TO PROVIDE A SPECIFIC STANDARD OF CERTAINTY OR KNOWLEDGE OF THE LIKELIHOOD OF THE TRANSMISSION OF HIV BY THE CONDUCT IN QUESTION THEREBY SUBJECTING THE OPERATOR TO ARBITRARY AND DISCRIMINATORY ENFORCEMENT OF THE STATUTE IN QUESTION.

Grayned v. City of Rockford, 404 U.S. 104 (1972)

State v. Allen, 905 S.W. 2d 874 (Mo. Banc. 1995)

State v. Mahan, 791 S.W. 2d 307 (Mo. Banc. 1998)

Cramp v. Board of Public Instruction of Orange County, Florida, 82 S.Ct 275, 280 (1961)

Section 191.680 RSMo

Constitution of the United States, Amendment V

Constitution of the United States, Amendment XIV

ARGUMENT

THE TRIAL COURT ERRED IN ENTERING A JUDGMENT ORDERING APPELLANT'S PROPERTY CLOSED FOR A PERIOD OF ONE YEAR BECAUSE THE STATUTE UPON WHICH THE COURT RELIED TO AUTHORIZE THE CLOSURE, TO WIT: SECTION 191.680 RSMO IS VOID BECAUSE IT IS UNCONSTITUTIONALLY VAGUE IN CONTRAVENTION OF THE DUE PROCESS CLAUSE OF THE 5TH AND 14TH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES IN THAT IT FAILS TO GIVE PROPER NOTICE OF WHAT CONDUCT VIOLATES THE PROHIBITIONS OF THE STATUTE BECAUSE IT REQUIRES PERSONS OF COMMON INTELLIGENCE TO SPECULATE AS TO WHAT TYPE OF LEWD CONDUCT CAN CAUSE THE TRANSMISSION OF HIV AND IN THAT IT FAILS TO PROVIDE A SPECIFIC STANDARD OF CERTAINTY OR KNOWLEDGE OF THE LIKELIHOOD OF THE TRANSMISSION OF HIV BY THE CONDUCT IN QUESTION THEREBY SUBJECTING THE OPERATOR TO ARBITRARY AND DISCRIMINATORY ENFORCEMENT OF THE STATUTE IN QUESTION.

Appellant contends that the judgment below is erroneous because the statutory basis for the judgment, to wit: Section 191.680 RSMo, is unconstitutional in that it is so vague as to violate his rights to due process of law under the 5th and 14th Amendments to the Unites States Constitution. Under the applicable standard of review this Court must affirm the decision below unless there is no substantial evidence to support it, unless it is against the weight of the evidence, or unless it erroneously declares or applies the law. Blakely v. Blakely, 83 S.W.3rd 537, 540 (Mo Banc 2002) On the other hand, statutory interpretation is an issue of law that this Court reviews *de novo*. id.

"In determining a constitutional challenge to a statute Missouri courts start with the presumption that the statute is constitutional. …It "will not be invalidated unless it 'clearly and undoubtedly' violates some constitutional provision and 'palpably affronts fundamental law embodied in the constitution.' … Accordingly, '[w]here feasible to do so, the statute will be interpreted to be consistent with the constitution with all doubts to be resolved in favor of validity.' "Blakley, supra at 540-541.

The trial court specifically found pursuant to Section 191.680[1] that Appellant Crump's property was used for lewd purposes involving sexual contact through which the transmission of HIV can occur and therefore the usage is a nuisance. The court specifically found that witnesses observed acts of oral and anal intercourse between patrons of the same sex upon the property and this information was reported to the owner of the property. The court did not find that there was any illegal conduct taking place on the property.

While appellant believes that the court's findings as to the credibility of the state's witnesses were severely challenged by the evidence (see Appellant's Post Trial Suggestions at LF – 33-46), Appellant recognizes that for purposes of this appeal the trial court's findings of fact are presumed to be correct.

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[1] The court's judgment and the plaintiff's suggestions repeatedly referred to Section 191.690. The petition and the suggestions and motions filed by Appellant, Crump below all referred to Section 191.680. Missouri Statutes do not include a Section 191.690. It would appear that the trial court's reference to Section 191.690 is in err and for purposes of this appeal, counsel for Appellant presumes that the references should be to Section 191.680 RSMo.

Section 191.680 RSMo provides:

"1. Any person who shall erect, establish, continue, maintain, use, own, or lease any building, structure, or place used for the purpose of lewdness, assignation, or illegal purpose involving sexual or other contact through which transmission of HIV infection can occur is guilty of maintaining a nuisance.

2. The building, structure, or place, or the ground itself, in or upon which any such lewdness, assignation, or illegal purpose is conducted, permitted, carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such nuisance, are hereby declared to be a nuisance and shall be enjoined and abated as provided in subsection 3 of this section.

3. If the existence of a nuisance is admitted or established in an action pursuant to this section or in a criminal proceeding in any court, an order of abatement shall be entered as part of the judgment in the case. The order shall direct the effectual closing of the business for any purpose, and so keeping it closed for a period of one year.

4. The department of health and senior services, a county prosecutor, or a circuit attorney shall file suit in its own name in any court of competent jurisdiction to enforce the provisions of this section."

The trial court did not find that Appellant's property was being used for assignation or any illegal purpose, nor would the evidence have supported such a finding. A place of assignation is a place of prostitution, a "bawdyhouse." See State v. Keithley, 127 S.W. 406, 408 (Mo App S.D. 1910). There was no evidence of prostitution taking place on Appellant's property. An illegal purpose is essentially any purpose that violates a statute. Typically an illegal purpose involving sexual or other contact through which transmission of HIV can occur could include prostitution, rape, sodomy, sexual misconduct, sexual assault, and just as significantly intravenous drug usage by individuals who share a needle.[2]

The trial court's judgment was based on its finding that Lewdness was taking place on Appellant's property. Yet Lewdness, standing alone is not illegal. It should be noted that word "lewdness" is not defined in any Missouri statute. In fact, the terms lewd or lewdness are not used in any

[2] At the trial level there was some question as to whether the alleged acts of consensual sexual contact between persons of the same sex could be a violation of Section 566.090.1 RSMo. In Lawrence v. Texas, 123 S. Ct. 2472 (2003) the United States Supreme Court invalidated a Texas statute similar to Section 566.090.1. Thus there is no issue as to whether an illegal purpose involving sexual or other contact is involved here.

Missouri statute other than the one at issue here. The term lewdness has not been declared to be unconstitutionally vague. Quite to the contrary, it has been multiplicatively defined.

In State v. Barnes, 256 S.W. 496 (Mo. App. ED 1923) the court at page 498 determined that the words lewdly and lasciviously were synonyms and went on to state "the words 'lewdly' and 'lasciviously' as used in our statute signify that form of immorality which has relation to sexual impurity or incontinence carried on in a wanton manner and have the same meaning as given them at common law and prosecution for obscene libel." Thus, in a prosecution under a statute for lewdly and lasciviously abiding and cohabiting with a married person where the jury was instructed to find the defendant guilty if she cohabited with a married man and they had sexual intercourse together, the omission of the terms "lewdly and lasciviously" was erroneous because the terms signified openness and notoriety. Thus, the term lewdly was not a verb but was an adjective used to describe sexual conduct. In State v. Pedigo, 176 S.W. 556 (Mo. App. S.D. 1915) the court held that on a charge of "gross lewdness" an instruction to the jury authorizing the finding of the defendant guilty if he openly and publicly had sexual intercourse with a woman was proper. Thus, the term lewdness referred to open and public sexual relations.

In City of St. Louis vs. Mikes et al., 372 S.W.2d 508 (Mo. App. E.D. 1963) the defendants were charged with violating a municipal ordinance of permitting any indecent, immoral or lewd play or representation to take place on their property. The question was whether or not the performer had engaged in an indecent or lewd act. The dance in question was performed by a woman by the name of Joan Faith Ware at the Stardust Lounge in St. Louis. The opinion described Ms. Ware's performance in substantial detail stating that it was concluded by moving her torso in an up and down motion while clad in what might be described as a very scant brassiere and pants. The court held that such behavior constituted lewdness in violation of the statute. The court noted at page 512 "it seems, however that there are areas in which attempted definitions confuse rather than enlighten. Indecency, lewdness, and obscenity may in many forms and in many ways offend. On the other hand art and sincere graphic writing may appear lewd to some but wholesomely delightful and instructive to others. We are of the opinion that the Missouri Supreme Court…stated the manner in which the subject should be reviewed when it said…Judges may know what falls within the classification of the decent, the chaste and the pure in either social life or in publications and what must be deemed as obscene and lewd and immoral and scandalous and lasciviously." Thus, essentially the court stated that

conduct is lewd if a Judge reviews it and decides that it is lewd. In People vs. Mitchell, 134 Cal. Rptr. 358 (Cal. App. 1977) the court in determining the applicability of a California statute similar to Section 191.680 RSMo, concluded that lewdness encompassed a broader scope of conduct than prostitution and assignation. The court held that public masturbation could be considered lewd conduct. In Michigan ex rel. Wayne County Prosecutor vs. Bennis, 527 N.W.2d 483 (Michigan Supreme Court 1994) the court concluded at page 488 an abatement statute held that the common definition of the term lewdness included a lustful and obscene display of illicit activity and determined that for the purpose of the abatement statute its use was limited to those instances in which an act of lewdness occurs in furtherance of, or for the purpose of prostitution. In State ex rel. Miller vs. Private Dancer, 613 N.E.2d 1066 (O.H. App. 1992) the term lewdness in a public nuisance statute was held not to be unconstitutionally vague and to include lap dancing where both parties were clothed and a female dancer wearing shorts straddled a male patron while dancing in time to music. In the matter of Jeffery V, 586 N.Y.S.2d 18 (N.Y. A.D. 1992) the court find that the crime of public lewdness was committed when the defendant exposed his penis, grabbed it and waved it at 3 women while calling them sluts and yelling other vulgar and disparaging comments at them. In Commonwealth vs.

Adams, 450 N.E.2d 149 (Mass. Sup. 1983) the court held that defendant violated a statute crime of open and gross lewdness and lascivious behavior by driving by a private citizen slowly in his automobile on a public way with his penis exposed while masturbating. The statute itself was held not to be unconstitutionally vague. In Hensley vs. City of Norfolk, 218 S.E.2d 735 (VA. Sup. 1975) the court held that lewdness was not unconstitutionally vague because it was a common law offense being defined as gross and wanton indecency in sexual relations…so notorious as to tend to corrupt communities morals. The court held that soliciting another person for purposes of prostitution constituted lewdness. In Piercy vs. State, 89 S.E.2d 554 (GA. App. 1955) the act of public exposure of a mans private parts constituted lewdness, however, in order to be "open" lewdness it needed to have been committed in the presence of more than one additional person therefore the conviction was reversed. In People vs. Goldman, 287 N.E.2d 177 (ILL. App. 1972) the court held that in order to find lewdness sufficient to support enjoining the operation of a swingers club and where the statute described nuisances as places for the purpose of lewdness, assignation, or prostitution the term lewdness was limited to prostitution.

But Lewdness alone is not sufficient to allow abatement under the statute. The lewdness must be such that it can cause the transmission of HIV.

Because the statute essentially requires the owner to be on the lookout for all of the varieties of conduct listed above which may be defined as lewd (but not illegal) and make a medical judgment as to whether or not the conduct can cause the spread of HIV and then take steps to prevent it from occurring, the statute places an unconstitutionally vague burden on the property owner.

In Grayned v. City of Rockford, 404 U.S. 104 (1972) The United States Supreme Court stated at page 108, "it is a basic principal of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges and juries for resolution on an ad hock and subjective basis with the attendant dangers of arbitrary and discriminatory applications. Third, but related, where a vague statute abuts upon sensitive areas of basic first amendment freedoms,

it operates to inhibit the exercise of those freedoms. Uncertain meanings inevitably lead citizens to steer far wider of the unlawful zone than if the boundaries of the forbidden areas were clearly marked." The principles in the Grayned case were reiterated by the Missouri Supreme Court in State v. Allen, 905 S.W. 2d 874 (Mo. Banc. 1995) there the court noted at page 876 "it is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined…due process requires that a statute give 'a person of ordinary intelligence fair notice that his contemplated conduct is forbidden'…due process also requires that a statute speak with sufficient specificity and provide sufficient standards to prevent arbitrary and discriminatory enforcement." There the court held that Section 578.360 RSMo which prohibits hazing is not unconstitutionally vague because in that case the defendant was charged with hazing "by physical beating." The court held that "beating" is not a word shrouded in mystery or squirming with ambiguity. The court noted that the statute clearly delineated its reach in words of common understanding and therefore was not vague. The Missouri Supreme Court also visited the vagueness issue in the case of State v. Mahan, 791 S.W. 2d 307 (Mo. Banc. 1998). There the statute in question was Section 191.677 RSMo which created a Class D felony of creating a grave and unjustifiable risk of infecting another with HIV. The court

overruled the vagueness argument holding that the terms "grave and unjustifiable risk" gave clear notice to the defendant that his conduct was prohibited when the defendant was aware that he was HIV positive and he engaged in 10 to 20 acts of unprotected sex without a condom after he had been specifically advised by a counselor that such conduct would cause the spread of HIV.

Contrast the language in State v. Mahan, supra, with the language at hand in Section 191.680. In Mahan the prohibited conduct was conduct that **created a grave and unjustifiable risk** of infecting others with HIV. Here the prohibited conduct is only required to be conduct through which the transmission of HIV **can** occur.

Furthermore, the statute does not require that the owner have knowledge of the use of the property. It only requires that the building, structure, or place be **used** for one of the prohibited purposes. There was no evidence at trial that Appellant was ever physically present on the property when any lewd conduct was taking place. We believe that the statute in question fails to give the property owner, be it the owner of a video store or the owner of a motel or shopping mall, fair warning as to what conduct is prohibited on their property.

More specifically however, we believe that this statute falls within the second prong of the Grayned prohibitions that require that in order to avoid arbitrary and discriminatory enforcement, laws must provide explicit standards for those who apply them. A simple contrast of the statute in the Mahan case to Section 191.680, which is the statute here, demonstrates the difference. The statute in the Mahan case prohibited "grave and unjustifiable risk of infecting others with HIV." This is a clearly recognizable standard that a property owner would be able to deal with. The standard in the Mahan case applies when a person knowingly infected with HIV engages in unprotected sex. If Section 191.680 declared as a nuisance any property where an operator knowingly allowed individuals to engage in sexual contact that created a grave and unjustifiable risk of infecting others with HIV, then the statute would not be subject to the prohibition of vagueness. Yet it is up to the prosecuting attorney to decide what arbitrarily lewd conduct he thinks can cause transmission of HIV and decide what businesses he wants to attempt to shut down if he can establish that such conduct takes place.

Finally, the third prong of the Grayned test applies where a vague statute abuts upon sensitive areas of basic First Amendment freedoms and operates to inhibit the exercise of those freedoms. It is clear that in the

context of this case the statute is being used arbitrarily by law enforcement not for the purpose of attempting to prevent the spread of Aids, but rather it is being used as a subterfuge to attack the protected First Amendment activities of the video business that operates on this property. Why is it that the prosecutor is choosing to go after this establishment where adult videotapes are sold and rented as opposed to other establishments where prostitution, gay sex, or intravenous drug usage may be taking place. The vagueness of the statute in question allows the prosecutor to pick and chose his targets. The evidence in this case will be that Missouri Highway Patrol officers were in respondent's establishment on more than a dozen occasions. T-82-88. Not one time did they ever look for individuals engaging in prohibited sexual conduct. T-88 If the true purpose of the State's action was to prevent such conduct, the officers could have examined the arcade area to determine if there were individuals engaging in prohibited sexual acts and made appropriate arrests.

From an evidentiary standpoint, a standard of proof of what conduct can cause transmission of HIV calls for mere speculation. Testimony in this case from the State's expert, Dr. Hondrich, was that in order to spread HIV there has to be a blood to blood or blood to semen transfer. T-66-68. The State's laboratory expert, Brian Hoey conceded that while he found the

presence of semen from different donors on tissues removed from waste baskets on Crump's property, he acknowledged that the semen spots he observed could have been deposited on tissues at two separate times, and in fact, the deposits could have been made hours or days apart. T-121 Hondrich acknowledged that there is no scientific evidence that HIV could be spread by handling the tissues with semen deposits on them. T-119 In Pendergist v. Pendergrass, M.D., et al, 961 S.W. 2d 919, 922 (Mo App W.D. 1998) the Court noted, "HIV is a retrovirus that attacks the human immune system. … The virus invades host cells, notably certain lymphocytes, replicates itself, weakens the immune system, and ultimately destroys the body's capacity to ward off disease. … The HIV virus is not spread casually. The fluids that can transmit the virus are blood, semen, vaginal fluids, and breast milk, and the virus is only transmitted if fluid from the carrier is introduced into the bloodstream of another individual. … Thus, the typical modes of transmission of HIV include sexual contact, exposure to infected blood or blood components, and perinatally from mother to infant."

The trial court made no finding that unprotected sexual conduct was taking place on the property. Buttram testified that he observed males having both protected and unprotected sexual relations. T-28,32. The State concedes that the lighting in the arcade was dim. LF-31. It defies logic that a non-

participant in sexual relations could determine whether the participants are wearing protection. Is the standard that the owner has to check each of his customers to see if they are having unprotected sexual contact?

Comparisons can be made to the tort law standard of proximate causation necessary to impose civil liability for spread of HIV. In an action at law for damages for negligent infliction of emotional injury, no cause of action exists for a claim that a plaintiff **could have been exposed** to HIV. Missouri law requires evidence of actual exposure to the virus. Pendergist v. Pendergrass, M.D., et al,, 961 S.W. 2d 919, 925 (Mo App W.D. 1998). Other states allow for recovery based on a **reasonable belief** that the plaintiff has been exposed to HIV. *Id.* Why then, should a court of equity be entitled to deprive a citizen of the use of his property for a year based on an entirely speculative standard that doesn't even require a reasonable belief that the conduct will cause transmission of HIV.

The standard in Section 191.680 is simply not capable of objective measurement. It is this same lack of objective measurement that caused the United States Supreme Court to strike down a Florida statute requiring public employees to take a loyalty oath as a condition of employment. See Cramp v. Board of Public Instruction of Orange County, Florida, 82 S.Ct 275, 280 (1961) and which caused this court to strike down prosecution

under a statute for being present at a cockfight. State v. Young, 695 S.W. 2d 882,886 (Mo. Banc. 1985).

CONCLUSION

Appellant is primarily in the business of renting and selling adult entertainment materials. As he testified at trial he has no desire to promote sexual activities on his property because if people are engaging in sexual activities they are not putting quarters in the machines and he is not profiting. Appellant claims no constitutionally protected right to have people engage in lewd conduct on his property. Appellant recognizes a legitimate State interest in preventing the spread of HIV. Appellant further recognizes that property subject to abatement as a nuisance is not protected from abatement just because a protected first amendment activity also operates on the property. On the other hand, the Legislature of the State of Missouri has not chosen to make all lewd conduct illegal or to declare it a nuisance. Appellant is not under an obligation to prevent all conduct which might fit the definition of "lewdness" from taking place on his property. Section 191.680 purports to authorize the State to deprive the owner of the use of property where lewdness take place based on a standard of causation that is so vague that men and women of reasonable intelligence are unable to decipher when it applies. In so doing, the State deprives the property owner of standards of protection allowing the State to take property only by due

process of law. Appellant prays this Court to hold that section 191.680 as applied to the facts of this case is unconstitutional and that the judgment abating Appellant's property for a period of one year be reversed.

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ATTORNEYS FOR APPELLANT

IN THE SUPREME COURT OF MISSOURI

STATE EX REL.,	)	
W. Stephen Geeding, County Prosecutor	)	
In and for McDonald County, Missouri	)	
Respondent - Petitioner below	)	
	)	
vs.	)	Case No.: SC85249
	)	
ROBERT W. CRUMP, JR.,	)	
a/k/a Rob Crump,	)	
d/b/a Midnight Video South	)	
Appellant - Respondent below	)	
	)	
and	)	
	)	
Pine Designs, Inc.,	)	

CERTIFICATE PURSUANT TO RULE 84.06(c)

I, William J. Fleischaker, counsel for Appellant, Robert W. Crump, Jr., hereby certify that two (2) true and correct copies of Appellant's Brief were mailed this _____ day of November, 2003 to Respondent's counsel as follows:

W. Stephen Geeding
McDonald County Prosecuting Attorney
7th & Harmon Street
P.O. Box 566
Pineville, MO 64856

1. That the Brief complies with the limitations contained in Rule 84.06(b);

2. That there are 7,355 words in the brief;

3. That the disk containing appellant's brief has been scanned for viruses and that it is virus-free.

FLEISCHAKER, WILLIAMS & POWELL

By:_____

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ATTORNEYS FOR APPELLANT

APPENDIX

TABLE OF CONTENTS

IN THE CIRCUIT COURT OF COUNTY OF MCDONALD
STATE OF MISSOURI
DIVISION I

FILED
GENE HALL
MAR 07 2003
CIRCUIT CLERK & RECORDER
McDONALD COUNTY MO

STATE EX REL.
W. Stephen Geeding, County Prosecutor
in and for McDonald County, Missouri
Petitioner,

vs.

Robert W. Crump, Jr.,
aka Rob Crump,
d/b/a Midnight Video South
and
Pine Designs, Inc.,
and
Ray Cooper, Personally and
Registered Agent of Service
for Pine Designs, Inc.
Respondents

Case No. CV102-693CC

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Petitioner has filed a Motion to close Midnight Video South, previously known as Pine Designs, Inc., on south U. S. 71 Highway in McDonald County, Missouri. At the initial hearing, this Court on November 14, 2002, heard evidence in support of the initial/amended pleading filed by the Petitioner which sought to enforce a nuisance statute based on a health statute designed and promulgated to protect the health of the public from HIV infection. Testimony was taken on the 14th of November and a continuance was granted to Respondent until December 27, 2002 to enable all discovery to which the Respondent was entitled. Petitioner and Respondent completed their discovery and the Petitioner agreed to present all witnesses who testified on 11/14/02 for further cross examination by Mr. Fleischaker on behalf of his client, Robert W. Crump, Jr. Trial was reset for January 23, 2003, and even though defense counsel had completed his discovery, due to an automobile accident in which Mr. Fleischaker's wife and children were involved it was agreed the

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case would again be reset to February 7, 2003 at 1:00 p.m. at which time the trial continued. The Petitioner made available to Respondent all witnesses which he requested to continue with his cross examination so that he could exploit the discovery he had completed. The petition filed by the Petitioner has from the beginning sought to enforce the following health statute, to wit:

> Section 191.690.1, RSMo,. Any person who shall erect, establish, continue, maintain, use, own, or lease any building, structure, or place used for the purpose of lewdness, assignation, or illegal purpose involving sexual or other contact through which transmission of HIV infection can occur is guilty of maintaining a nuisance.
>
> 2. The building, structure, or place, or the ground itself, in or upon which any such lewdness, assignation, or illegal purpose is conducted, permitted, carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such nuisance, are hereby declared to be a nuisance and shall be enjoined and abated as provided in subsection 3 of this section.
>
> 3. If the existence of a nuisance is admitted or established in an action pursuant to this section or in a criminal proceeding in any court, an order of abatement shall be entered as part of the judgment in the case. The order shall direct the effectual closing of the business for any purposes and so keeping it closed for a period of one year.
>
> 4. The department of health and senior service, a county prosecutor, or a circuit attorney shall file suit in its own name in any court of competent jurisdiction to enforce the provisions of this section.

This statute was in effect prior to 2002 but was amended in 2002 to allow prosecuting attorneys or circuit attorneys to enforce this health law. This Court finds that W. Stephen Geeding, in his position as Prosecuting Attorney in and for McDonald County, Missouri has standing to file this action under amended Statute, Section 191.690.1, RSMo.

Despite Respondent's initial assertion that this action was an attempt to enforce laws restraining First Amendment protection it clearly was an action instituted to protect the health and safety of the public at large. As stated by the Honorable Chief Justice Warren Burger in ***Arcara v. Cloud Books, Inc***, 478 U. S. 697 (1986):

quote..... "The First Amendment does not bar enforcement of the closure statute against Respondents' bookstore. *United States v. O'Brien*, 391 U.S. 367 (1968), has no relevance to a statute directed at imposing sanctions on non expressive activity, and the sexual activities carried on in this case manifest absolutely no element of protected expression. The closure statute is directed at unlawful conduct having nothing to do with books or other expressive activity. Book selling on premises used for prostitution (in that case) does not confer First Amendment coverage to defeat a statute aimed at penalizing and terminating illegal uses of premise." Arcara v. Cloud Books, Inc., 478 U. S. 697 (1986).

Respondent acknowledges in his Suggestions in Support of Motion to Dismiss that the enforcement of Section 191.690, RSMo, does not *directly* raise First Amendment issues. According to testimony of Ron Crump, Jr., he owns and operates another store like Midnight Video South, "just down the road from this one". As Justice Burger wrote in Arcara, Id. at 705, "...the severity of this burden is dubious at best, and is mitigated by the fact that Respondent's remain free to sell the same material at another location". This Court finds that, as a matter of law, this nuisance section, 191.690, RSMo, does not abridge Respondent's First Amendment protections. Respondent further urges that Section 191.690, RSMo, is void, vague and violative of his Fifth and Fourteenth Amendment rights.

THE "VOID FOR VAGUENESS" TEST

It is well established law that a statute is unconstitutionally vague under the due process clause of the 14th Amendment to the United States Constitution if it is so vague that it fails to give fair warning to a reasonable person of ordinary intelligence as to what conduct is prohibited. The test was stated succinctly by the Missouri Court of Appeals:

> A criminal statute is unconstitutionally vague under the 14th amendment to the United States Constitution if it fails to give fair warning of the act prohibited. *State V. McMilian*, 649 S. W. 2d 467, 471 (Mo. App. 1983). Such prejudicial ambiguity if shown when a reasonable individual would be so confused by the ordinance that he could not reasonably read and understand what is prohibited.

St. Louis County v. McClune, 762 S. W. ed 91, 92 (Mo. App. 1988). The test has been described further as two-fold in purpose by the Missouri Supreme Court:

> Vagueness, as a due process violation, takes two forms. One is the lack of notice given a potential offender because the statute is so unclear that 'men of common intelligence must necessarily guess at its meaning'. The second is that the vagueness doctrine assures that guidance, through explicit standards, will be afforded to those who must apply the statute, avoiding possible arbitrary and discriminatory application.

State v. Young, 695 S. W. 2d 882, 884 (Mo. En Banc. 1985). The Young Court added that "statutes are presumed to be constitutional and will be held otherwise only if they clearly contravene some constitutional provision" and that "doubts are to be resolved in favor of validity." Id. at 883. The Court also held that in determining vagueness, the Court is not to try to think of hypotheticals under which "the language used might be vague or confusing", but rather is to apply it "to the facts at hand". Id. at 884. In response to Respondent's suggestion he uses hypotheticals that could be applied under the statute like hotels, restrooms, restaurants, and shopping malls is violative of the rule enunciated in Young, Id. at 884 that encourages the Court to use hypotheticals, which is forbidden, but rather as to apply it "to the fact at hand" Id. at 884.

The test of whether a reasonably intelligent person would have been able to read a statute and realize that his conduct was prohibited was used in recent years to uphold Missouri's distribution of controlled substances near schools statute, State v. Prowell, 834 S. W. 2d 852 (Mo. App. 1992); Missouri's telephone harassment statute, State v. Koetting, 616 S. W. 2d 822 (Mo. En Banc. 1981); Missouri's flourishing a weapon in an angry or threatening manner statute, State v. McMilian, *supra*; and St. Louis County's loud muffler ordinance, St. Louis County v. McClune, *supra* . It was used in striking down Missouri's cockfighting statute in State v. Young, *supra*.

In Grayned v. City of Rockford, 408 U. S. 104 (1972) at page 108 the Supreme Court of the United States set out the test to apply to determine whether a particular ordinance or statute is void

for vagueness. The United States Supreme Court set out the following three tests:

1. Laws must give the person of ordinary a reasonable opportunity to know what is prohibited.
2. If a statute or ordinance arbitrarily allows discriminatory enforcement, laws must provide explicit standards for those who applies them.
3. A statute is vague if it abuts against sensitive areas of basis First Amendment freedoms, it operates to inhibit exercise of this freedom.

In the present case, a person of ordinary intelligence would have no difficulty understanding that engaging in unprotected anal sodomy and oral sodomy can pass the HIV infection which is a precursor to Acquired Immune Deficiency Syndrome (Aids). This Court finds that the Statute in question and the Petition before this Court is clearly aimed at protecting the public from a serious, ongoing nuisance and is not aimed at infringing on Respondent's First Amendment protection. The testimony clearly shows that only two State law enforcement agencies had jurisdiction to investigate behavior at Midnight Video South. The uncontested testimony during the hearing on this action is clear that agents of the Missouri State Highway Patrol and deputies from the McDonald County Sheriff's Department in no way attempted to use their police powers to harass or intimidate either the Respondent or the patrons of the Respondent.

The Respondent claims in his suggestions in support of his motion to dismiss that the word "lewdness" is too complicated to understand . The Court disagrees. To find that lewdness is so ambiguous that it would not give adequate notice to two men in a public place that engage in oral or anal sodomy is "lewd", is unpersuasive.

Management has put into place a policy that seeks to keep it's employees and management from finding out what goes on in the arcade, when obviously from the testimony and evidence they know what is occurring. Employees have reported to management about these illicit activities. Notwithstanding the fact management denies this and any knowledge of the activities, they still have

janitors to clean up the arcade area on a daily basis. From the testimony, it appears that the two purposes of the arcade are to allow people to seek sexual gratification and for management to make money. Failure to maintain some control over the people or area can only be tacit approval of any and all activity occurring at Midnight Video South.

Based on the evidence presented, the Court hereto finds that Midnight Video South and those that operate it have established, maintained and used the property formally known as Pine Designs, Inc., for lewd purposes involving sexual contact through which the transmission of HIV infection can occur. The Court finds the usage to be a nuisance under Section 191.690, RSMo. In support of that conclusion the Court makes the following findings:

1) James Buttram did observe acts of oral and anal intercourse between patrons of the same sex upon the subject premises.

2) James Buttram reported these incidents to his immediate supervisor and to the owner of the business.

3) Lisa Burge observed acts of oral and anal intercourse between same sex patrons on the subject property and was present when James Buttram told Crump about the illicit activities occurring in the arcade.

4) The Court finds that Lisa Burge did not personally tell the owner or her supervisors of her observations.

Respondent attacks the credibility of the State's witness, James Buttram. James Buttram was, during the investigation, an informant for the State of Missouri. During this investigation Buttram would report his observations at Midnight Video South to agents of the Missouri Highway Patrol, Division of Drug and Crime Control. This Court notes that this civil action, filed by Petitioner, herein, was not filed against Respondent until, pursuant to a search warrant, paper towels

were taken from the arcade booths' waste cans for testing. The Missouri State Highway Patrol laboratory tested these towels and found to a reasonable degree of scientific certainty as having at least three, different individual males' sperm on them. Clearly, Buttram's testimony, even though attacked by Respondent's attorney, was corroborated by the DNA objective scientific evidence presented by the Petitioner. Further, even though Respondent claims Mr. Buttram's testimony is not credible this Court notes that Mr. Buttram's unhappiness with the things that were occurring on the property began well before he had any personal conflict with the Respondent over his payroll.

This Court finds specifically for the foregoing reasons Mr. Buttram and Ms. Burge were credible witnesses based on their testimony, the corroboration of their testimony and this Court's ability to observe the witnesses while they were testifying.

This Court hereby, after considering Respondent's argument, overrules his motion to dismiss this case on Constitutional grounds. Further, the Court finds that the usage of Midnight Video South, formally know as Pine Designs, Inc., located on south U. S. 71 Highway in McDonald County, Missouri, is a nuisance and therefore the business and location is hereby ordered to be closed for a period of one (1) year from the date of the signing of this Order and costs to be assessed against Respondent.

SO ORDERED!

Dated: 3/7/03

Judge John R. Lepage

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VERNON'S ANNOTATED MISSOURI STATUTES
TITLE XII. PUBLIC HEALTH AND WELFARE
CHAPTER 191. HEALTH AND WELFARE
AIDS (ACQUIRED IMMUNODEFICIENCY SYNDROME)

The Statutes and the Constitution are current through the End
of the First Regular and Second Extraordinary Sessions
of the 92nd General Assembly (2003).

191.680. Maintaining a nuisance, abatement to be ordered, when

1. Any person who shall erect, establish, continue, maintain, use, own, or lease any building, structure, or place used for the purpose of lewdness, assignation, or illegal purpose involving sexual or other contact through which transmission of HIV infection can occur is guilty of maintaining a nuisance.

2. The building, structure, or place, or the ground itself, in or upon which any such lewdness, assignation, or illegal purpose is conducted, permitted, carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such nuisance, are hereby declared to be a nuisance and shall be enjoined and abated as provided in subsection 3 of this section.

3. If the existence of a nuisance is admitted or established in an action pursuant to this section or in a criminal proceeding in any court, an order of abatement shall be entered as part of the judgment in the case. The order shall direct the effectual closing of the business for any purpose, and so keeping it closed for a period of one year.

4. The department of health and senior services, a county prosecutor, or a circuit attorney shall file suit in its own name in any court of competent jurisdiction to enforce the provisions of this section.

CREDIT(S)

1996 Main Volume

(L.1988, H.B. Nos. 1151 & 1044, § 14, eff. June 1, 1988.)

2002 Electronic Pocket Part Update

(Amended by L.2002, S.B. No. 1102, § A.)

<General Materials (GM) - References, Annotations, or Tables>

V. A. M. S. 191.680

MO ST 191.680

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